

February 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

1 Leanne M. Schraudner
2 SCHRAUDNER & HILLIER, PLLC
3 Attorneys at Law
4 3825 Valley Commons Drive, Suite 5
5 Bozeman, Montana 59718
6 Telephone: (406) 586-1643
7 Fax: (406) 522-5394

FILED

FEB 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

8 Attorney for Appellees

9 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

10 * * * * *

11 VALERIE EMMERSON,

12 Appellant,

13 v.

14 WALLACE C. WALKER and

15 RANA RAE WALKER,

16 Appellees.

17 v.

18 S. TUCKER JOHNSON,

19 Appellee.

Case No. DA-09-0487

APPELLEES WALLACE C. WALKER AND
RANA RAE WALKER'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO
FILE OPENING BRIEF

20 Pursuant to Rule 26(2), M.R.App.P., Appellees Wallace C. Walker and Rana
21 Rae Walker, by and through their attorney of record, Leanne M. Schraudner,
22 respectfully move this Court for an Order granting Appellees until March 5,
23 2010 to file their initial brief. The length of the requested extension is for one
24 week. The brief is currently due on February 26, 2010. It was initially due
25 January 4, 2010.
26
27
28

1 This is Appellees' second motion for an extension of time. The reasons for
2 the requested extension are contained in the supporting affidavit of counsel
3 filed concurrent with this motion. The opposing counsel, James Goetz and Karl
4 Knuchel, have been contacted and they state they have no objection to this
5 motion.
6

7 A proposed Order is submitted herewith.

8 RESPECTFULLY SUBMITTED 19th day of February, 2010.


9
10 
11 Leanne M. Schraudner
12 Attorney for Appellees

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the 19th day of February, 2010, I served a true
15 and correct copy of the above and foregoing document upon the following
16 interested parties by depositing in the United States mail, postage prepaid,
17 addressed as follows:

18 Karl Knuchel
19 P.O. Box 953
20 Livingston, MT 59047
21 Attorney for Appellant

22 James H. Goetz
23 Bonnie L. Jarrett
24 GOETZ, GALLIK & BALDWIN, P.C.
25 35 North Grand
26 P.O. Box 6580
27 Bozeman, MT 59771-6580
28 Attorney for Johnson

29 
30 Sarah Stone, Secretary

Leanne M. Schraudner
SCHRAUDNER & HILLIER, PLLC
Attorneys at Law
3825 Valley Commons Drive, Suite 5
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IN THE SUPREME COURT OF THE STATE OF MONTANA

VALERIE EMMERSON,
Appellant,

v.

WALLACE C. WALKER and
RANA RAE WALKER,

Appellees.

v.

S. TUCKER JOHNSON,

Appellee.

Case No. DA-09-0487

**AFFIDAVIT OF LEANNE M.
SCHRAUDNER**

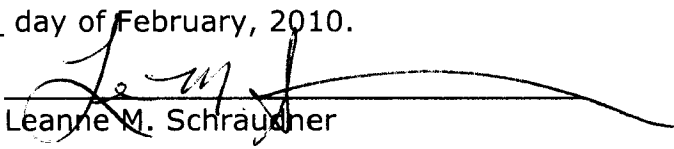
COMES NOW, LEANNE M. SCHRAUDNER, and hereby states upon oath as follows:

1. I am an attorney licensed of practice law in the State of Montana.
2. This affidavit is filed in support of my unopposed motion for extension of time to file opening brief.
3. The brief is currently due February 26, 2010. The brief was first due January 4, 2010. The length of my request for extension is one week, until March 5, 2010 to file my client's opening brief in this case.

4. The request for extension is necessary because I am currently in the midst of a three day trial in the Sixth Judicial District Court in Livingston and therefore unable to work on the brief at my office in Bozeman during this trial. I have also retained additional counsel to assist with the preparation of the brief but I'm currently unable to adequately communicate with said counsel concerning the revisions to the brief due to my trial calendar. I have been working diligently on completing the brief and have a substantial need for requesting an extension as even though I have worked the past six weekends in a row, I still do not have the brief in final form appropriate for filing with this Court. I hereby assure this Court that the brief will be filed within the time requested (by March 5, 2010). As additional information to this Court concerning why I cannot finalize the brief this coming week, I have an extensive memo due on a real property case in Park County on February 25, 2010 and I have all remaining discovery to be completed by February 26, 2010 for a case set for a jury trial to commence May 17, 2010. Considering both my schedule as well as that of counsel I have retained to assist with this brief, regardless of the diligence I have exercised in working on this brief, I have a valid and substantial need for the requested extension in order to file a proper brief in this case.
5. I have contacted all opposing counsel to this case, James Goetz and Karl Knuchel, and they state they have no objection to this motion.

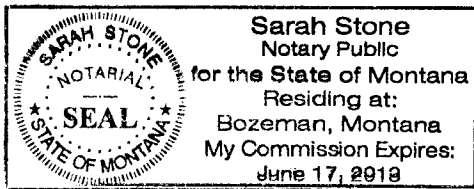
FURTHER YOUR AFFIANT SAYETH NOT.

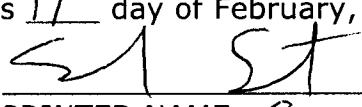
DATED this 19th day of February, 2010.


Leanne M. Schraudner

STATE OF MONTANA)
 :SS.
County of Gallatin)

Subscribed and sworn to before me this 19th day of February, 2010.



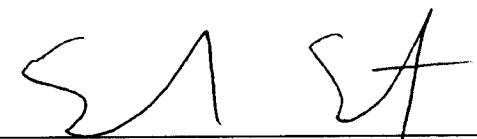

PRINTED NAME: Sarah Stone
Notary Public for the State of Montana
Residing at: Bozeman, MT
My Commission Expires: June 17, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2010, a true and correct copy of the foregoing was duly served upon the following by depositing a copy of same in the United States Mail, postage prepaid, and addressed as follows:

Karl Knuchel
P.O. Box 953
Livingston, MT 59047
Attorney for Appellant

James H. Goetz
Bonnie L. Jarrett
GOETZ, GALLIK & BALDWIN, P.C.
35 North Grand
P.O. Box 6580
Bozeman, MT 59711-6580
Attorney for Johnson



Sarah Stone, Secretary